

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

BETTER DAYS AHEAD
OUTREACH, INC., et al.,

Plaintiffs,

v.

POTTSTOWN BOROUGH,

Defendant.

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No. 2:23-CV-04234

JURY TRIAL DEMANDED

**DEFENDANT POTTSTOWN’S ANSWER TO PLAINTIFFS’ MOTION FOR
PRELIMINARY INJUNCTION**

Defendant, Borough of Pottstown, by and through its undersigned counsel, Siana Law, LLP, responds to Plaintiffs’ Motion for Preliminary Injunction and avers as follows:

1. Admitted in part. Denied in part. It is admitted that Plaintiffs filed a Complaint based upon a violation of their Eighth and Fourteenth Amendment rights (State Created Danger) against the Borough of Pottstown, only. There is no specific claim asserted for declaratory and injunctive relief other than seeking an “injunction” prohibiting Defendant from closing or sweeping the encampment under its Prayer for Relief.

2. Denied. By way of further response, Plaintiffs, Beltran and Wanner, are known to reside in a homeless encampment in a floodway along the Schuylkill River on property owned by Pottstown.

3. Admitted in part. Denied in part. It is admitted that Better Days Ahead is a Pennsylvania non-profit organization. The remainder of the allegation is denied.

4. Admitted in part. Denied in part. It is admitted that a photograph of a “Notice” is attached to the Motion for Preliminary Injunction. The remainder of the allegation is denied as the Notice speaks for itself.

5. Denied. By way of further response, the attached Notice speaks for itself. Additionally, the Affidavits of Niarhos and Boorse, attached as documents 4-3 and 4-4, respectively speak for themselves, the merits of which are denied.

6. Admitted in part. Denied in part. It is admitted only that Plaintiffs filed a Motion for Preliminary Injunction. The remainder of the allegation is denied.

7. Denied.

8. Denied.

9. Denied. By way of further response, a Preliminary Injunction will adversely affect the health, welfare, and safety of individuals inhabiting a floodway along the Schuylkill Riverbanks.

10. Denied.

11. Denied.

12. Denied. By way of further response, a Preliminary Injunction will adversely affect the health, welfare, and safety of individuals inhabiting a floodway.

WHEREFORE, the Borough of Pottstown request that this Court deny Plaintiffs' Injunctive Relief.

Respectfully submitted,

SIANA LAW

By: /s/ Sheryl L. Brown
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CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that on this day a true and correct copy of Defendant Pottstown Borough's Answer to Plaintiffs' Motion for Preliminary Injunction was served via first-class mail, postage prepaid, addressed as indicated:

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Date: November 15, 2023

By: /s/ Sheryl L. Brown

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